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HONOURABLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO:12973 of 2004

DATED: 27-12-2007

Between:

Vangapandu Kranthi

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Vizianagaram Region, Vizianagaram and 2 others.

.....RESPONDENTS

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ORDER:

This is a writ petition filed by the petitioner seeking to declare the action of the respondents 1 and 2 in constructing the shops with shutters opened towards the road for the purpose of leasing out to third parties and thereby causing obstruction to their shops as illegal and arbitrary, and consequently, to direct the respondents 1 and 2 not to open the shops with shutters on the road side.

It is contended by the petitioner that in front of the RTC Complex and abutting the road his buddy is situated. The respondents-Corporation is proposing to construct a shopping complex in their site opening to the road. If the shops are constructed, the petitioner has to remove his buddy and thereby his livelihood is affected, therefore, he approached this Court seeking the relief as mentioned above.

The petitioner has not produced any document to show whether the erection of the buddy by him was authorized by the municipality and whether it is on the road margin or in the municipal site. Admittedly, the respondents-Corporation is not constructing any shops in the municipal site. They are proposing to construct shopping complex in their site keeping the shops open towards the road and if the petitioner was authorized by the municipality, it is for the municipality to come to his rescue and protect the buddy. Since the petitioner has no material to show that he installed the buddy under any authorization from the municipality and as the respondents are constructing the shopping complex within their premises, this Court is not inclined to invoke the extraordinary jurisdiction and grant any relief of mandamus in favour of the petitioner. I do not find any merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

27th December, 2007

SKM